

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATHAN HOYE,

Petitioner,

v.

COMMONWEALTH OF ALLEGHENY  
and THE ATTORNEY GENERAL OF  
THE STATE OF PENNSYLVANIA,  
Respondents.

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) CA No. 2: 18-cv-01253  
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**ORDER**

**AND NOW**, this 25<sup>th</sup> day of January, 2019, in accordance with the memorandum opinion, the report and recommendation dated October 19, 2018 (ECF No. 7) is **ADOPTED**. The petition is summarily dismissed without prejudice pre-service for failure to exhaust state remedies.

**IT IS FURTHER ORDERED** that no certificate of appealability should issue.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

The Clerk of Court is directed to mark this case closed.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc: NATHAN HOYE  
167618  
ALLEGHENY COUNTY JAIL  
950 SECOND AVENUE  
PITTSBURGH, PA 15219-3100